

Introduced by Senator Hueso
(Principal coauthor: Assembly Member Gonzalez)

January 21, 2016

An act to amend Section 51.6 of the Civil Code, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

SB 899, as introduced, Hueso. Gender discrimination.

Existing law prohibits a business establishment from discriminating against a person because of the person's gender with respect to the price charged for services of similar or like kind. Existing law also requires specified business establishments to disclose in writing the pricing for each standard service, as defined, to display, in a specified manner, a sign stating that it is illegal to base pricing on gender and that a complete price list is available upon request, and to display, in a specified manner, a price list, and to provide the customer with a copy of the complete price list upon request.

This bill would prohibit this discrimination with respect to the price charged for goods. The bill would add retailers and grocery stores to the list of specified business establishments that are required to disclose their prices in writing. The bill would make a corresponding change to the sign these establishments must display.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51.6 of the Civil Code is amended to
2 read:

1 51.6. (a) This section shall be known, and may be cited, as the
2 Gender Tax Repeal Act of 1995.

3 (b) No business establishment of any kind whatsoever may
4 discriminate, with respect to the price charged for *goods or* services
5 of similar or like kind, against a person because of the person's
6 gender.

7 (c) Nothing in subdivision (b) prohibits price differences based
8 specifically upon the amount of time, difficulty, or cost of
9 providing the services.

10 (d) Except as provided in subdivision (f), the remedies for a
11 violation of this section are the remedies provided in subdivision
12 (a) of Section 52. However, an action under this section is
13 independent of any other remedy or procedure that may be
14 available to an aggrieved party.

15 (e) This act does not alter or affect the provisions of the Health
16 and Safety Code, the Insurance Code, or other laws that govern
17 health care service plan or insurer underwriting or rating practices.

18 (f) (1) The following business establishments shall clearly and
19 conspicuously disclose to the customer in writing the pricing for
20 each standard service *and good* provided:

21 (A) Tailors or businesses providing aftermarket clothing
22 alterations.

23 (B) Barbers or hair salons.

24 (C) Dry cleaners and laundries providing services to individuals.

25 (D) *Retailers.*

26 (E) *Grocery stores.*

27 (2) The price list shall be posted in an area conspicuous to
28 customers. Posted price lists shall be in no less than 14-point
29 boldface type and clearly and completely display pricing for every
30 standard service *or good* offered by the business under paragraph
31 (1).

32 (3) The business establishment shall provide the customer with
33 a complete written price list upon request.

34 (4) The business establishment shall display in a conspicuous
35 place at least one clearly visible sign, printed in no less than
36 24-point boldface type, which reads: "CALIFORNIA LAW
37 PROHIBITS ANY BUSINESS ESTABLISHMENT FROM
38 DISCRIMINATING, WITH RESPECT TO THE PRICE
39 CHARGED FOR *GOODS OR SERVICES* OF SIMILAR OR
40 LIKE KIND, AGAINST A PERSON BECAUSE OF THE

1 PERSON'S GENDER. A COMPLETE PRICE LIST IS
2 AVAILABLE UPON REQUEST.”

3 (5) A business establishment that fails to correct a violation of
4 this subdivision within 30 days of receiving written notice of the
5 violation is liable for a civil penalty of one thousand dollars
6 (\$1,000).

7 (6) For the purposes of this subdivision, “standard service”
8 means the 15 most frequently requested services provided by the
9 business.

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